

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CIVIL CASE NO. 1:24-cv-22523-MOORE/Elfenbein**

KENNY ORTEGA,)
)
Plaintiff,)
)
v.)
)
MIAMI-DADE COUNTY, a)
Political Subdivision in the State)
of Florida, and **JOSEPH DIAZ,**)
in his individual capacity,)
)
Defendants.)
/

PLAINTIFF'S INITIAL DISCLOSURES

Plaintiff, KENNY ORTEGA. by and through his undersigned attorneys, pursuant to Fed. R. Civ. Proc. 26(a)(1), serves these Initial Disclosures on Defendants MIAMI-DADE COUNTY and JOSEPH DIAZ, with preservation of his right so supplement these Disclosures throughout the pendency of this litigation until such time as no longer allowed by the presiding Court in the instant case.

Rule 26(a)(1)(a): **The name and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:**

- 1) Mr. Kenny Ortega, Plaintiff
C/O Plaintiff's Counsel
Plaintiff- Has Knowledge regarding the incidents in the complaint and his damages.
- 2) Joseph Diaz c/o David M. Trontz, Esq.
100 Almeria Avenue, Suite 230 Coral Gables, Florida 33134
Named Co-Defendant-Has knowledge regarding the incidents in the complaint his assault and battery of Plaintiff and related issues

- 3) Sgt. Yasmina Smith Miami-Dade County Sheriff's Office
Badge ID #030-04792
9105 NW 25th St. Doral, FL 33172
PCB Investigator
Has knowledge regarding the incidents in the complaint and investigation
- 4) Officer Carol Marcus Miami-Dade County Sheriff's Office
Badge ID #030-05585
9105 NW 25th St. Doral, FL 33172
Witness-Has knowledge regarding the incidents in the complaint and investigation
- 5) Miami-Dade County
C/O Jennifer Azar, Esq.
Named Defendant - Has knowledge regarding the incidents in the complaint; its policies, procedures, discipline, investigations, and training of its officers; prior incidences and complaints of similar actions and arrests by and against its officers
- 6) Miami-Dade County State Attorney's Office
C/O Public Records
E.R. Graham Building
1350 N.W. 12 Avenue
Miami, FL 33136
Has knowledge and evidence of the incidents in this case and its arrest of Defendant Officer Diaz for his acts against Mr. Ortega. Evidence includes Diaz' body-worn-camera, police report, its investigation, and other evidence
- 7) All individuals identified and named in discovery responses by Plaintiff.
- 8) Any and all individual or entities identified in the Rule 26(a)(1) Initial Disclosures filed by other parties to this action.
- 9) Any and all expert witnesses identified by other parties in their Rule 26(a)(1) Initial Disclosures or those experts, which are subsequently identified in this litigation.
- 10) Any person identified in any deposition, answer to interrogatory or document produced in this action.
- 11) Any and all witnesses, lay or expert, subsequently identified in this action.
- 12) Any necessary rebuttal witnesses which may be subsequently identified.
- 13) All witnesses discovered during the course of discovery.

Rule 26(a)(1)(b): A copy of, or a description by category and location of, all documents, data, computations and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

Documents That May Be Used by Plaintiff to Support His Claims in Plaintiffs'

Possession:¹

- 1) Arrest/ A Form by MDSAO against Defendant Officer Diaz
- 2) Body-worn-camera of Diaz' arrest of Mr. Ortega
- 3) Arrest/ A Form signed by Diaz against Mr. Ortega
- 4) Miami-Dade County's Use of Force Policy
- 5) Mr. Ortega's medical record
- 6) MDSAO's Information filed against Diaz (F22-506)
- 7) Arrest Warrant for Defendant Diaz including Affidavit in support of warrant by Officer Yasmina Smith
- 8) MDSAO's dismissal of all charges against Mr. Ortega levied by Defendants. (Case 2020-MM-012424-0001).
- 9) Information in Defendants' possession or forthcoming to Plaintiff anticipated to be used:
 - a) Deposition transcript of Officer Carol Marcus.
 - b) Deposition transcript of Officer Yasmina Smith.
 - c) Deposition transcript of Officer Joseph Diaz
 - d) Transcripts of 911 calls (7/25/20).
 - e) Sworn statement Carol Marcus.
 - f) Dispatch recording (7/25/20).
 - g) Recordings of 911 calls (7/25/20).
 - h) CAD and Detail History Incident recall for 07/25/20
 - i) Prior use of force complaints against Diaz and County
 - j) Prior false arrest/false imprisonment complaints against Diaz and County
 - k) Diaz' personnel file
 - l) County's police training records 2016 – 2021

Rule 26(a)(1)(c): A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under

¹ This list is not meant to be final, as further documents and evidence may be used dependent on further information and evidence obtained in the discovery process. Plaintiff will supplement his Initial Disclosures as required by Rule/law.

Rule 34, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

Rule 26(a)(1)(d):

Computation of Damages²

Plaintiff KENNY ORTEGA

1. Mental anguish, inconvenience, loss of dignity, embarrassment, humiliation, emotional distress, nightmares, loss of sleep, depression, etc., \$250,000 to \$350,000
2. Intangible and compensatory damages of \$100,000 to \$ 200,000
3. Punitive damages. To be determined.
4. Attorneys' Fees: To be determined, to costs and costs for civil claim.

The amounts stated herein are subject to change after discovery and/or before trial as the Plaintiffs and their attorneys deem necessary, fair, just, and equitable.

Respectfully Submitted this 16th day of June 2025

By: /s/ Rawsi Williams
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Attorney for Plaintiff

² The following damages are estimation and approximation which will be better substantiated during discovery.

/s/ Frank T. Allen

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